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October 23, 2009

The Honorable David D. Dowd, Jr.  
U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO  
402 United States Court House  
Federal Building  
Two South Main Street  
Akron, OH 44308-1818

***Via ECF***

***Re: The Goodyear Tire & Rubber Company  
v. Dow Deutschland GmbH & Co., OHG, et al.  
Case No. 5:08-cv-1118 (DDD)***

Dear Judge Dowd:

In accordance with the Court's Order dated October 22, 2009, today we are filing a brief in support of Plaintiff Goodyear's position regarding the settlement agreement with Shell.

I am writing separately this morning to respond to an inquiry by the Court during the telephone conference last Thursday. (I have been out of town from Wednesday afternoon until Sunday evening.) In the context of addressing the allocation of time for the deposition of Mr. Vogelzang, a non-party witness, Your Honor asked as I recall whether there was a witness statement that would allow the parties to conduct the deposition more efficiently. Before I could answer, one of the defense lawyers interrupted and then the Court quickly changed the subject and focused on the settlement agreement issue before ending the call.

We have a declaration from Mr. Vogelzang a copy of which we provided to defense counsel via Federal Express for delivery today. The declaration addresses Mr. Vogelzang's participation in cartel meetings and his dealings with Goodyear. In response to the Court's question, we believe that the declaration will assist counsel on both sides to examine Mr. Vogelzang more efficiently.

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Respectfully,

A handwritten signature in black ink, appearing to read 'WJ Blechman', written in a cursive style.

William J. Blechman  
Counsel for Plaintiff Goodyear

WJB:ll

cc: Defense counsel (via ECF)  
and e-mail

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